

ENTERED

May 03, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

LORENZO PEREZ,

**Petitioner,**

V.

**Civil Action No. 2:21-CV-00223**

## BOBBY LUMPKIN,

## Respondent.

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## ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court is the November 15, 2021 Memorandum and Recommendation (“M&R”) of Magistrate Judge Jason B. Libby. (Dkt. No. 9). Magistrate Judge Libby recommends that the Court dismiss Petitioner Lorenzo Perez’s habeas Petition, (Dkt. No. 1), for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

Perez was provided notice and the opportunity to object. *See* 28 U.S.C. § 636(b)(1). No objections were filed, so review is for plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears. The Court **ACCEPTS** the M&R as the Court's Memorandum Opinion and Order. The Court **DISMISSES WITHOUT PREJUDICE** Perez's habeas Petition for failure to prosecute. (Dkt. No. 1).

It is SO ORDERED.

Signed on May 3, 2022.

Drew B. Tipton  
DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE